

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

ROBERT LEON JOHNSON,

Plaintiff,

V.

WARDEN BULLARD and  
OFFICER BOBBY JONES,

**Defendants.**

CV 04-J-1004-S

ENTERED  
AUG 03 2004

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on July 7, 2004, recommending that the claims in this action filed pursuant to 42 U.S.C. § 1983 be dismissed. Specifically, the magistrate judge recommended that plaintiff's claims against defendants in their official capacities be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted in accordance with 28 U.S.C. § 1915A(b), and plaintiff's claims against defendants in their individual capacities be DISMISSED WITHOUT PREJUDICE. Finally, the magistrate judge recommended that plaintiff's request for injunctive relief be DENIED. Plaintiff filed objections to the report and recommendation on July 21, 2004.


Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, plaintiff's claims against defendants in their official capacities are due to be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted under 28 U.S.C. § 1915A(b). Further, plaintiff's claims against defendants in their individual

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capacities are due to be DISMISSED WITHOUT PREJUDICE. Finally, plaintiff's request for injunctive is due to be DENIED.

An appropriate order will be entered.

DATED this 3 day of August, 2004.

  
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INGE P. JOHNSON  
UNITED STATES DISTRICT JUDGE